2023 HOUSE TRANSPORTATION

HB 1081

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee

Room JW327E, State Capitol

HB 1081 1/5/2023

A bill to provide for a department of transportation electronic vehicle charging tax study and to provide for a legislative management report.

Chairman Ruby opened the hearing at 2:15pm.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- Study of electric vehicle charging tax for out of state drivers
- Study of electric vehicle charging rates

Robin Rehborg, Deputy Director for Driver Safety with the North Dakota Department of Transportation, testified in support (#12446 and 12492).

Russ Buchholz, North Dakota Department of Transportation, answered questions from the committee.

Robin Rehborg continued with her testimony.

Brian Johnson, Special Assistant Attorney General for the North Dakota Public Service Commission, testified in support (#12395).

Chairman Ruby closed the hearing at 2:35pm.

Robin Rehborg answered questions from the committee.

Committee discussion.

Representative Grueneich moved a Do Pass.

Representative Dakane seconded the motion.

Roll call:

Representatives	Vote
Representative Dan Ruby	Υ
Representative Jim Grueneich	Υ
Representative Karen A. Anderson	Υ
Representative Cole Christensen	Υ
Representative Hamida Dakane	Υ

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Representative Gretchen Dobervich	Y
Representative Scott Dyk	Υ
Representative Kathy Frelich	Υ
Representative Dori Hauck	Υ
Representative Ben Koppelman	Υ
Representative Eric James Murphy	N
Representative Kelby Timmons	Υ
Representative Scott Wagner	Υ
Representative Robin Weisz	Y

Motion passed 13-1-0

Representative Hauck is the bill carrier.

Meeting adjourned at 2:49pm.

Mary Brucker, Committee Clerk

Module ID: h_stcomrep_02_023 Carrier: Hauck

REPORT OF STANDING COMMITTEE

HB 1081: Transportation Committee (Rep. D. Ruby, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

2023 SENATE TRANSPORTATION

HB 1081

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee

Fort Totten Room, State Capitol

HB 1081 2/17/2023

A BILL for an Act to provide for a department of transportation electronic vehicle charging tax study; and to provide for a legislative management report.

9:30 AM Chairman Clemens opens meeting.

Senators Present: Clemens, Conley, Larsen, Rummel, Paulson.

Discussion Topics:

- Study guidelines
- Commercial vehicles

9:30 AM Robin Rehborg, Director for Driver Safety for ND Department of Transportation, in favor #21073

9:35 AM Brian Johnson, Special Assistant Attorney General for the North Dakota Public Service Commission, in favor. #21017

9:38 AM Chairman Clemens adjourned hearing.

9:39 AM Senator Larsen moved a Do Pass.

9:39 AM Senator Conley seconded.

Senators	Vote
Senator David A. Clemens	Υ
Senator Cole Conley	Υ
Senator Doug Larsen	Υ
Senator Bob Paulson	Υ
Senator Dean Rummel	Υ

Motion passed 5-0-0

9:40 AM Senator Rummel will carry.

9:41 AM Chairman Clemens adjouned meeting

Nathan Liesen, Committee Clerk

Module ID: s_stcomrep_32_013

Carrier: Rummel

REPORT OF STANDING COMMITTEE

HB 1081: Transportation Committee (Sen. Clemens, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1081

#12395

House Bill 1081

Submitted by: The Public Service Commission

Before: House Transportation Committee

Honorable Dan Ruby, Chair

Date: January 05, 2023

TESTIMONY

Chairman Ruby and committee members. My name is Brian Johnson, I am a Special Assistant Attorney General for the North Dakota Public Service Commission. The Commission has asked me to testify today concerning House Bill 1081. The Public Service Commission (Commission) respectfully submits testimony in favor of HB 1081.

The widespread adoption of electric vehicles will have implications for transportation and energy infrastructure throughout the state and nation. The adoption of electric vehicles (EVs) is expected to continue and likely accelerate due to federal support and funding such as the Infrastructure Investment and Jobs Act and Inflation Reduction Act of 2022.

In November, the Commission held a public hearing as required by the Infrastructure Investment and Jobs to gather input on ways in which we could consider measures to promote greater electrification of the transportation sector, including the establishment of rates. All of the investor-owned utilities we regulate participated in the hearing in addition to a number of EV industry advocates and

North Dakota citizens. The Commission is closely following a number of issues and concerns related to the deployment of Electric Vehicles. This new trend stands to significantly increase demand for electricity, and both regulated utilities and cooperatives will be responsible for meeting that demand. The rates that are established for EV charging, the location and cost of the infrastructure needed to support EV charging and the public policy surrounding who can own this infrastructure and who should pay for it are all issues the Public Service Commission is intimately involved in. The Commission supports policies that ensure that the cost of Electric Vehicle deployment is borne by EV users and not subsidized or socialized to all utility rate payers.

While this Bill is focused on a study to look at lost revenue of out of state vehicles not paying the gas tax, lost revenue, and the cost of implementing a tax to address lost revenue, the Commission continues to actively monitor EV impacts on grid and generation resources. The Department of Transportation's coordination with the Commission to address interrelated challenges has been greatly appreciated and we look forward to continuing that partnership.

Thank you for the opportunity to submit testimony. The Commission would be happy to provide follow-up or send a representative at the Committee's request.



Transportation

House Bill No. 1081

House Transportation Committee

Room 327E | January 5, 2023, 2:15 p.m. Robin Rehborg, Deputy Director for Driver Safety

Good morning, Mr. Chairman and members of the committee. I'm Robin Rehborg, Deputy Director for Driver Safety for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and support HB 1081.

House Bill 1081 provides for a study on an electric vehicle charging tax. The study is intended to determine the feasibility and impact to the public of an electric vehicle charging tax to offset lost motor fuel tax revenue due to use of electric vehicles by out-of-state drivers. The revenue collected from motor fuel tax is used to fund the NDDOT. These revenues are already declining as vehicles become more fuel-efficient and as the surge in production and purchase of new electric vehicles continues. With electric vehicle charging infrastructure being implemented through the National Electric Vehicle Infrastructure (NEVI) program, which is included in the federal funding bill (IIJA), we expect it will impact the revenue collection further.

The NDDOT intends to collaborate with the Tax Department and Public Service Commission on the study.

This concludes my testimony. Thank You.



ELECTRIC VEHICLES AND MOTOR FUEL TAX REVENUE



As electric vehicle (EV) use continues to grow in North Dakota, the state must consider how to address the impact on the state's motor fuel tax (MFT) revenue. Because EVs do not require gasoline to operate, they do not contribute to the MFT that helps fund North Dakota's transportation system. North Dakota currently charges an annual \$120 registration fee for fully-electric EVs, \$50 for plug-in hybrid EVs, and \$20 for fully-electric motorcycles in addition to the typical annual registration fees (see N.D.C.C. § 39-04-19.2)

What does the average vehicle currently generate in MFT?

North Dakota DOT conducted a study based on historic state travel data and vehicle registration data to estimate the average contribution of MFT from different vehicle categories. Data from 2019 was used as the base.

Using a cell phone validated travel demand model, the impacts to current MFT from out of state drivers was estimated. Because fuel can currently be purchased out of state for miles driven within North Dakota, the state's total VMT is not an accurate representation of the revenue generated from in-state driving. It is estimated that 94.63% of Commercial Truck VMT are paying MFT and 97.51% of Passenger VMT are paying MFT.

Using a combination of the cell phone validated travel demand model and data from NDDOT, the average mileage driven per year, gallons of fuel consumed per year, MFT collected per vehicle per year, and total MFT collected by vehicle class were estimated.



Data from 2019



Vehicle Miles Traveled 9,859,000,000



Tax Rate \$0.23/Gal (both unleaded and diesel)



Fuel Sold **762,000,000 Gal** (both unleaded and diesel)



MFT Revenue Collected \$175,260,000



Licensed Drivers **559,887** (561,000 current)



Registered Vehicles
Passenger 466,248
Pickup 279,837
Truck 89,746

Total 835,831



HOW WILL EVS IMPACT MOTOR FUEL TAX REVENUE?

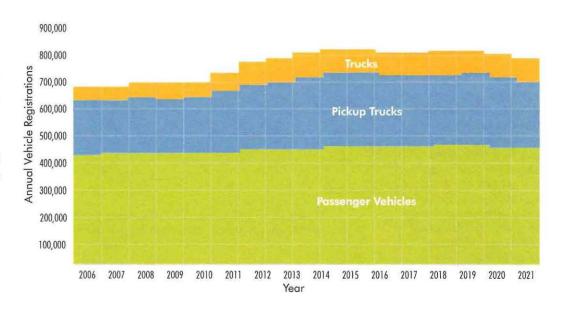




The estimated impact on the state's motor fuel tax revenue used a number of trends to understand the growth of EVs in the state, as well as the growth of VMT and the overall growth of vehicle registrations.

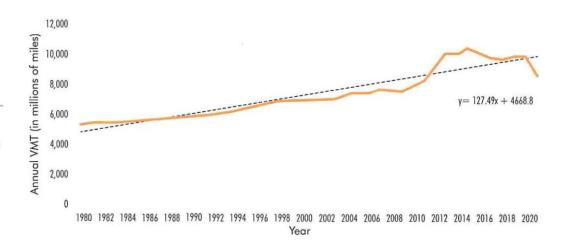
Annual Vehicle Registration

This chart shows the trends of vehicle registrations within North Dakota back to 2006 for passenger vehicles, pickup trucks, and commercial trucks. Overall, the state has averaged an additional 10,259 vehicle registrations per year. This number also accounts for the transfer of vehicles which would count the registration of the same vehicle twice.



Annual Vehicle Miles Traveled (VMT)

This chart shows the growth of annual vehicles miles traveled (VMT), which shows a growth of 127 million miles per year on average since 1980.





WHAT OPTIONS DOES NORTH DAKOTA HAVE TO SUPPLEMENT THE LOSS IN MOTOR FUEL TAX?





As EV purchases increase, most states are considering options to replace lost motor fuel tax revenues.

Implemented Fee Collection Approaches Throughout the U.S. in 2022

Mileage Based Fee

Oregon and Utah

OBD-II device, In-Vehicle Telematics, Annual odometer theck (can be visual inspection during registration or captured via smartphone).

Benefits: Proportional to road usage. Captures actual EV driving.

Drawbacks: Does not capture out of state driving. Can be difficult/expensive to collect. Privacy concerns.

Electric Vehicle Registration Supplemental Fee

31 States

Fee paid during vehicle registration.

Benefits: Easy to collect.

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Electric Vehicle Registration Fee By Weight

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Fee paid during vehicle registration.

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Electricity Fee (per kWh) For Public Chargers

Kentucky

Wholesale from EVSE provider.

Benefits: Captures out of state driving.

Drawbacks: Double taxation for in-state drivers who already pay registration fee. Only captures public charging, not private charging.

Additional Fee Collection Approaches to Consider

Further EV fee approaches can be explored and customized to determine the best fit for North Dakota's priorities as EV adoption is anticipated to grow. Those options can be combined to provide flexibility. For example, Utah issues a supplemental registration fee for EV drivers but allows users to opt into a mileage-based fee that caps out at the original EV supplemental fee.

Depending on the fee structure, states may experience a net increase in revenue from their EV fees. Some states are using a portion of the EV supplemental funding for the deployment of electric vehicle infrastructure. This allocation has the potential to cover the 20% non-federal match in funding required for NEVI charging deployment projects. Alabama dedicates 25% of its EV fee revenue to the Rebuild Alabama Fund, which funds electric vehicle charging infrastructure until EV registrations exceed 4% of total vehicle registrations.



Peg Fees To Inflation

Inflation can erode the effectiveness of any fee or tax. Some states have pegged their EV fees to inflation, allowing an annual increase of the fee without annual legislation needed for the increase.



Fees Can Be Tiered

Many states have tiered fees for hybrids, plug-in hybrids, and full battery electric vehicles differently. This approach recognizes that fees are not "one size fits all" and can be adjusted as needed.



Approaches Can Be Combined

Approaches do not need to be a singular solution. North Dakota can explore a combination of approaches such as vehicle registration fees and consumption fees that are calibrated to replace any offset in motor fuel tax collection.

#21017

House Bill 1081

Submitted by: The Public Service Commission

Before: Senate Transportation Committee

Honorable David Clemens, Chair

Date: February 17, 2023

TESTIMONY

Chairman Clemens and committee members. My name is Brian Johnson, I am a Special Assistant Attorney General for the North Dakota Public Service Commission. The Commission has asked me to testify today concerning House Bill 1081. The Public Service Commission (Commission) respectfully submits testimony in favor of HB 1081.

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Thank you for the opportunity to submit testimony. The Commission would be happy to provide follow-up or send a representative at the Committee's request.



Transportation

House Bill No. 1081

Senate Transportation Committee

Fort Totten Room | February 17, 2023, 9:30 a.m. Robin Rehborg, Deputy Director for Driver Safety

Good morning, Mr. Chairman and members of the committee. I'm Robin Rehborg, Deputy Director for Driver Safety for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and support HB 1081.

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The NDDOT intends to collaborate with the Tax Department and Public Service Commission on the study.

This concludes my testimony. Thank You.



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What does the average vehicle currently generate in MFT?

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Using a cell phone validated travel demand model, the impacts to current MFT from out of state drivers was estimated. Because fuel can currently be purchased out of state for miles driven within North Dakota, the state's total VMT is not an accurate representation of the revenue generated from in-state driving. It is estimated that 94.63% of Commercial Truck VMT are paying MFT and 97.51% of Passenger VMT are paying MFT.

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Data from 2019



Vehicle Miles Traveled 9,859,000,000



Tax Rate \$0.23/Gal (both unleaded and diesel)



Fuel Sold **762,000,000 Gal** (both unleaded and diesel)



MFT Revenue Collected \$175,260,000



Licensed Drivers 559,887 (561,000 current)



Registered Vehicles

Passenger **466,248**Pickup **279,837**

Truck 89,746
Total 835,831



REVENUE •

Fuel Consumption and Revenue by Vehicle Class

The estimates indicate that the average passenger vehicle generates \$104 per year in MFT, while the average commercial truck generates \$1,090. The actual contribution by vehicle will differ based on mileage driven and the vehicle's fuel efficiency, with less efficient vehicles contributing more MFT for every mile driven.

With a \$120 EV registration fee in place, the state collects \$16 more per year on average through the EV supplemental registration fee than the average MFT.

However, the \$120 registration fee is substantially less than the \$1,090 estimated revenue collected from commercial trucks. While the use of batteries or hydrogen for commercial vehicles may be years away, their relative effects on revenue will be substantially higher per vehicle than that of passenger vehicles. It should also be mentioned that commercial interstate trucking is highly regulated and subject to interstate agreements such as IFTA and IRP that will impact how fees are assessed and collected from these carriers.

Passenger/Pickup

9.947

Avg VMT/ Reg. Veh.

22.00

MPG (Assumed)

452

Gal./Year

\$104

MFT/Year

\$77,589,523 MFT/Year/Class

Commercial Truck

23,701

Avg VMT/ Reg. Veh.

5.00

MPG (Assumed)

4740

Gal./Year

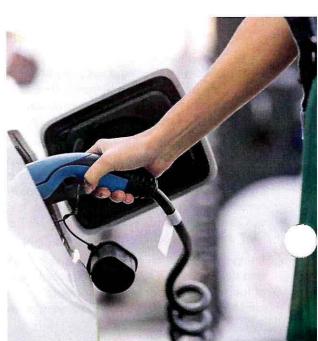
\$1,090

MFT/Year

\$97,844,335

MFT/Year/Class









HOW WILL EVS IMPACT MOTOR FUEL TAX REVENUE?

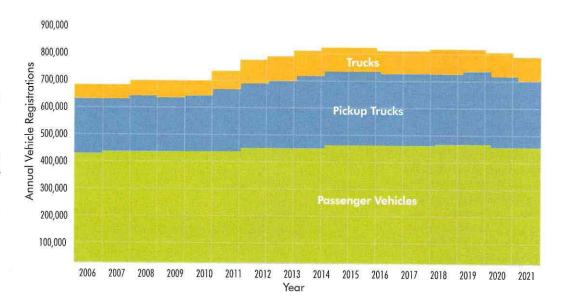




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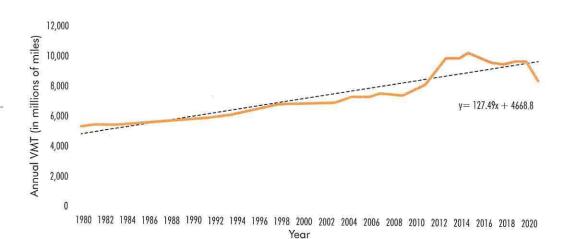
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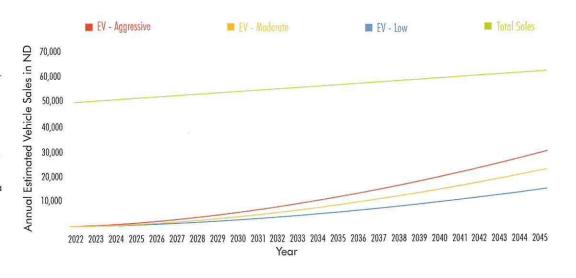
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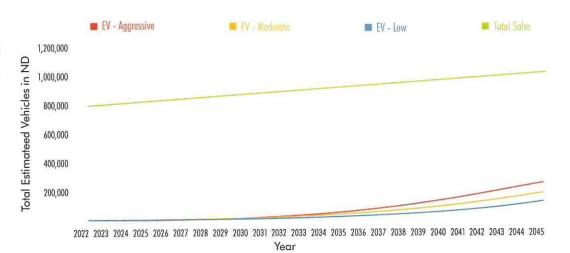
ND Vehicle Sales Projection

This chart shows the estimated growth of EVs within North Dakota, assuming an aggressive, moderate, and low adoptions scenario. The national average of EV adoption was assumed to be the most aggressive North Dakota would experience, moderate growth is 75%, and low growth is 50% of the national average.



ND Vehicle Makeup Projection

This chart shows the impact on the total number of vehicles in North Dakota. While EV sales are projected to grow, so too is the growth of the overall number of vehicles. The number of EVs in North Dakota will lag behind vehicle sales, as vehicles purchased today may last 15 years. As of December 1, 2022 there are 537 EVs registered in North Dakota.



Annual Impact On Revenue Due To EV Adoption

On average, North Dakota collects more money per EV through its EV fee than it receives from the MFT generated by the average registered vehicle. Under the following assumptions, EV's net effect on road fee collections (including MFT and EV registration fees) has been calculated in the table below and the following annual registration fee assumptions have been used for the estimate:



Passenger: \$120



Pickup:\$120



Commercial Truck: \$1,090 (estimated to be revenue-neutral)

	Aggressive EV Adoption	Moderate EV Adoption	Low EV Adoption
2030	+\$279k	+\$210k	+\$142k
2045	+\$4.1M	+\$3.1M	+\$2.0M



WHAT OPTIONS DOES NORTH DAKOTA HAVE TO SUPPLEMENT THE LOSS IN MOTOR FUEL TAX?





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Implemented Fee Collection Approaches Throughout the U.S. in 2022

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Oregon and Utah

OBD-II device, In-Vehicle Telematics, Annual odometer !heck (can be visual inspection during registration or captured via smartphone).

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Drawbacks: Does not capture out of state driving. Can be difficult/expensive to collect. Privacy concerns.

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REVENUE •

Electric Vehicle Fees by State (2022)

Though flat supplemental registration fees are most common in the application, some states are exploring additional fee mechanisms based on miles traveled, vehicle weight, electricity consumption, etc. Data was obtained October, 2022 and may be subject to change.

BEV = Battery Electric Vehicle PHEV = Plug-In Electric Vehicle HEV = Hybrid Electric Vehicle AFV = Alternative Fuel Vehicle



Alabama \$200 BEV

\$200 BEV \$100 PHEV Annual Fee



Arkansas

\$200 EV \$100 Hybrid EV Annual Fee



California

\$100 BEV Annual Fee



Colorado

\$50 BEV, PHEV Annual Fee



Georgia

\$212.78 non-commercial AFVs Annual Fee



Hawaii

\$50 EV Annual Surcharge



Idaho

\$140 BEV \$75 PHEV Annual Fee



Illinois

\$100 EV Annual Fee



Indiana

\$150 BEV \$50 PHEV, HEV Annual Inflation-Indexed Fee



lowa

\$65 BEV \$32 PHEV Annual Fee



Kansas

\$100 EV \$50 PHEV, HEV Annual Fee



Louisiana

\$110 BEV \$60 PHEV, HEV Annual Fee



Michigan

\$135 BEV <8,000 lbs. \$47.50 PHEV <8,000 lbs. \$235 BEV >8,000 lbs. \$117.50 >8,000 lbs. Annual Fee



Minnesota

\$75 BEV Annual Fee



Mississippi

\$150 BEV \$75 PHEV, HEV Annual Fee



Missouri

\$75 Passenger AFV \$37.50 PHEV Annual Fee



N. Carolina

\$130 BEV, PHEV Annual Fee



N. Dakota

\$120 EV \$50 PHEV \$20 EV Motorcycle Annual Road Use Fee



Ohio

\$200 BEV, PHEV \$100 HEV Annual Fee



Oklahoma

\$110/\$82 Under 6000 lbs. BEV/PHEV (Class 1) \$158/\$118 6000-10000 lbs. BEV/PHEV (Class 2) \$363/\$272 10000-26000 lbs. BEV/PHEV (Class 3-6) \$2250/\$1687 Over 26000 lbs. BEV/PHEV (Class 7-8) Annual License Fee by Weight



Oregon \$110 EV Annual Fee



S. Carolina

\$120 AFV \$60 PHEV, HEV Biennial Fee



S. Dakota

\$50 BEV Annual Registration Fee



Tennessee

\$100 EV Annual Fee



Utah

\$90 BEV. AFV \$39 PHEV \$15 HEV Annual Consumer Indexed Fee



Virginia

\$64 AFV (Non-Hybrid) Annual License Tax



W. Virginia

\$100 PHEV, HEV Annual Fee



Wisconsin

\$75 PHEV, HEV \$100 BEV Annual Fee



Wyoming \$200 BEV, PHEV

Annual Fee



Washington \$150 BEV

\$150 BEV \$75 PHEV, HEV Annual Fee